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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 UNITED STATES OF AMERICA,)

15 Plaintiff,)

16 v.)

17 WENNY HOANG BUI,)

18 Defendant.)
19

No. CR 3-05-70324-EDL

~~PROPOSED~~ ORDER EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT

20 This matter came on the calendar of the Honorable Nandor J. Vadas on July 21, 2005. At
21 the parties' request, the Court continued the matter until August 5, 2005 for preliminary hearing
22 or arraignment or change of plea.

23 The parties requested extension of time for the preliminary hearing under Federal Rule of
24 Criminal Procedure 5.1(d) up to the 30-day limit for indictment set by the Speedy Trial Act, 18
25 U.S.C. § 3161(b), which, in this case, would expire on July 31, 2005, and an exclusion of time
26 under the Speedy Trial Act from July 31 through August 5, 2005 based upon the need for
27 effective preparation of counsel. The government is in the process of providing additional
28 discovery to the defense and the parties are engaged in discussions which might lead to pre-

indictment resolution of this case. Therefore, the parties are requesting an extension of time under Rule 5.1(d) and a subsequent exclusion of time under the Speedy Trial Act. The parties agree that the time from July 21 through July 31, 2005 should be extended under Rule 5.1(d) and that the time from July 31 through August 5, 2005 should be excluded in computing the time within which trial shall commence. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

Accordingly, the Court HEREBY ORDERS that the time from July 21 through July 31, 2005 is extended under Rule 5.1(d) and that the time from July 31 through August 5, 2005 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the requested exclusion would deny the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(8)(A).

SO ORDERED.

DATED: 7/26/05



HONORABLE EDWARD M. CHEN
UNITED STATES MAGISTRATE JUDGE

Approved as to form:

/s/ Joseph Morehead
JOSEPH MOREHEAD, ESQ.
Attorney for Defendant

/s/ Monica Fernandez
MONICA FERNANDEZ
Assistant United States Attorney